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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/080,086	02/21/2002	Jonathan L. Lei	23803-277301	8588
7590 PILLSBURY WINTHROP LLP Suite 2800 725 South Figueroa Los Angeles, CA 90017-5406			EXAMINER CHANG, JUNGWON	
			ART UNIT 2154	PAPER NUMBER
			MAIL DATE 07/11/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)
	10/080,086	LEI ET AL.
	Examiner Jungwon Chang	Art Unit 2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 25 April 2007.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-3,6-15,18-26,29-50,63-81 and 84-89 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-3,6-15,18-26,29-50,63-81 and 84-89 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application
- 6) Other: _____.

FINAL ACTION

1. This action is in response to amendment filed on 4/25/2007. Claims 4, 5, 16, 17, 27, 28, 51-62, 82, 83, 90-132 have been canceled. Claims 1-3, 6-15, 18-26, 29-50, 63-81 and 84-89 are presented for examination.

2. In a previous office action dated 10/19/2006, the examiner objected claim 87 because of the typo error, line 3; the wireless **transcei** should be **transceiver**. However, claim 87 is not amended in amendment dated 4/25/2007, thus the objection is maintained. Appropriate correction is required.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 1-3, 6-15, 18-26, 29-50, 63-81 and 84-89** are rejected under 35 U.S.C. 103(a) as being unpatentable over Okamoto et al. (US 2002/0161703), hereinafter Okamoto, in view of Ito (US 2002/0116285).

5. As to claims 1, 12, 37 and 63, Okamoto discloses the invention substantially as claimed, including a wireless network system (fig. 2), comprising:

a server system (EMS, fig. 2) connected to a network (Internet, BS, public telecommunication network, fig. 2);

an electronic device (VM, fig. 2) having a transceiver (300, fig. 2) adapted to communicate via at least one of light transmission and radio frequency (RF) transmission (page 2, 0032-0037, "radio communication"); and

a portable wireless device (mobile radio apparatus, fig. 2) having a first wireless connection (101, fig. 2) with the electronic device (fig. 2) (page 2, 0041) and having a second wireless connection to the server (fig. 2) (page 2, 0039), the portable wireless device communicating wirelessly with the electronic device (fig. 2), wherein payment information data is transferred from the portable wireless device to the electronic device via the first wireless connection (page 4, 0072, "vending machine receives the electronic money information from the mobile radio apparatus"), transaction data including the payment information data is transferred from the electronic device to the portable wireless device via the first wireless connection (page 4, 0073, "mobile radio apparatus receives information on the acceptance of selling..."), and response data is transferred from the server system to the portable wireless device via the second wireless connection (fig. 9; page 5, 0088-0090, "electronic money server EMS supplies the answer"; page 6, 0092, "withdrawal permitting signal from the electronic money server is received") and then to the electronic device via the first wireless connection (fig. 12; page 4, 0072, "vending machine...is paid by the electronic money"; page 7, 0115, "electronic money is paid to the vending machine").

6. Okamoto does not specifically disclose payment information data is transferred from the electronic device to server. However, Ito explicitly discloses payment information data is transferred from the electronic device to server (S7, fig. 3; page 3, 0038-0044, "invoice information to be sent at step S7 to the network accounting server 18; abstract, "**vending server then transmits invoice information for the selected purchase to the mobile station, which is then forwarded to the network accounting server**"). It would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teachings of Okamoto and Ito because Ito's transferring data to the server would provide an improved way of carrying out a purchasing transaction in which payment is achieved in an improved, simplified manner for the subscriber (Ito, page 1, 0005).

7. As to claim 2, Okamoto does not specifically disclose secure communication. However, Ito discloses communication between the electronic device and the server system is secured from the portable wireless device (page 2, 0038). It would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teachings of Okamoto and Ito because Ito's secure communication would execute the purchasing transaction more securely using private key (Ito, page 2, 0038).

8. As to claim 3, Okamoto discloses wherein the wireless connection is selected from the group consisting of a Transmission Control Protocol/Internet Protocol connection, a satellite connection, a Global system for Mobile communication

connection, a code-division multiple access connection, a time-division multiple access connection, a cellular digital packet data connection, a general packet radio service connection and a wideband code division multiple access connection (page 2, 0031-0039).

9. As to claim 6, Okamoto discloses the electronic device lacks a permanent connection to the network (mobile switching center inherently sets up a temporary connection; page 2, 0032-0039).

10. As to claims 7 and 8, Okamoto discloses wherein the electronic device only communicates with the server system indirectly through the portable wireless device (fig. 2).

11. As to claim 9, Okamoto discloses wherein the portable wireless device includes a second wireless transceiver to communicate wirelessly with the wireless transceiver of the electronic device (102, 105, fig. 2).

12. As to claim 10, Okamoto discloses wide area network (Internet, fig. 2).

13. As to claim 11, Okamoto discloses communication is packet-based (Internet, CDMA network inherently include packet data and circuit switched service).

14. As to claim 13, it is rejected for the same reason set forth in claim 3 above.
15. As to claim 14, it is rejected for the same reason set forth in claim 2 above.
16. As to claim 15, Okamoto discloses further including processing a transaction by the server system (EMS, fig. 2; fig. 3).
17. As to claim 18, it is rejected for the same reason set forth in claim 6 above.
18. As to claim 19, it is rejected for the same reason set forth in claims 7 and 8 above.
19. As to claim 20, it is rejected for the same reason set forth in claim 10 above.
20. As to claim 21, it is rejected for the same reason set forth in claim 11 above.
21. As to claim 22, it is rejected for the same reason set forth in claims 1, 12 and 51 above. In addition, Okamoto discloses a second wireless transceiver (102, fig. 2) having a wireless connection to a network (fig. 2).
22. As to claim 23, Okamoto discloses wherein the first wireless transceiver communicates wirelessly with the electronic device via a protocol selected from the

group consisting of InfraRed communication, Bluetooth protocol, and IEEE 802.11 protocol (page 2, 0031-0039).

23. As to claim 24, it is rejected for the same reason set forth in claim 3 above.

24. As to claim 25, it is rejected for the same reason set forth in claim 22 above.

25. As to claim 26, it is rejected for the same reason set forth in claim 15 above.

26. As to claim 29, it is rejected for the same reason set forth in claim 6 above.

27. As to claim 30, it is rejected for the same reason set forth in claims 7 and 8 above.

28. As to claim 31, it is rejected for the same reason set forth in claim 10 above.

29. As to claim 32, Okamoto discloses the portable wireless device is a mobile telephone (mobile radio apparatus, fig. 2).

30. As to claims 33-35, Okamoto discloses the portable wireless device (mobile radio apparatus, fig. 2).

31. As to claim 36, it is rejected for the same reason set forth in claim 11 above.
32. As to claim 38, it is rejected for the same reason set forth in claim 2 above.
33. As to claim 39, it is rejected for the same reason set forth in claim 3 above.
34. As to claims 40 and 41, they are rejected for the same reason set forth in claims 7 and 8 above.
35. As to claim 42, it is rejected for the same reason set forth in claim 10 above.
36. As to claim 43, it is rejected for the same reason set forth in claim 11 above.
37. As to claims 44 and 70, they are rejected for the same reasons set forth in claims 1, 12, 37, 51 and 63 above. Okamoto discloses program code storage device; machine-readable storage medium and machine-readable program code, stored on the machine readable storage medium having instructions (page 3, 0046).
38. As to claim 45, it is rejected for the same reason set forth in claim 2 above.
39. As to claim 46, it is rejected for the same reason set forth in claim 3 above.

40. As to claims 47 and 48, they are rejected for the same reason set forth in claims 7 and 8 above.
41. As to claim 49, it is rejected for the same reason set forth in claim 10 above.
42. As to claim 50, it is rejected for the same reason set forth in claim 11 above.
43. As to claim 64, it is rejected for the same reason set forth in claim 2 above.
44. As to claim 65, it is rejected for the same reason set forth in claim 3 above.
45. As to claims 66 and 67, they are rejected for the same reason set forth in claims 7 and 8 above.
46. As to claim 68, it is rejected for the same reason set forth in claim 10 above.
47. As to claim 69, it is rejected for the same reason set forth in claim 11 above.
48. As to claim 71, it is rejected for the same reason set forth in claim 2 above.
49. As to claim 72, it is rejected for the same reason set forth in claim 3 above.

50. As to claims 73 and 74, they are rejected for the same reason set forth in claims 7 and 8 above.

51. As to claim 75, it is rejected for the same reason set forth in claim 10 above.

52. As to claim 76, it is rejected for the same reason set forth in claim 11 above.

53. As to claim 77, it is rejected for the same reasons set forth in claims 1, 12, 37, 51 and 63 above. In addition, Okamoto discloses a vending machine (Vending Machine, fig. 2); a dispenser to dispense an item when an approval is received from the server system over the network through the portable wireless device (page 4, 0073-0076).

54. As to claim 78, it is rejected for the same reason set forth in claim 23 above.

55. As to claim 79, it is rejected for the same reason set forth in claim 3 above.

56. As to claim 80, Okamoto discloses the approval is transmitted from the server system to the vending machine after successful payment verification (fig. 4).

57. As to claim 81, it is rejected for the same reason set forth in claim 2 above.

58. As to claims 82, 83 and 87, they are rejected for the same reason set forth in

claims 4 and 5 above.

59. As to claim 84, it is rejected for the same reason set forth in claim 6 above.

60. As to claims 85 and 86, they are rejected for the same reason set forth in claims 7 and 8 above.

61. As to claim 88, it is rejected for the same reason set forth in claim 10 above.

62. As to claim 89, it is rejected for the same reason set forth in claim 11 above.

Conclusion

63. Applicant's arguments filed 04/25/07 have been fully considered but they are not persuasive.

(1) Applicant asserts that "The Ito reference does not make up for the deficiencies of the Okamoto reference. The Examiner states that Ito reference discloses that data is transmitted from an electronic device to a server in Fig. 3 and paragraphs 0039 - 0044. (Office Action, page 3). The applicants would first like to note that the Ito reference is disclosing that a mobile station Communicates through a public land mobile network (PLMN) to a network accounting server connected to the PLMN. The network accounting server is what the Examiner refers to as the server. In addition, the Ito reference discloses that the mobile station communicates through the PLMN through a

gateway, the Internet, and then to a vending server. In other words, the mobile station communicates to both the vending server (electronic device) and server via one wireless connection, i.e., the PLMN connection. This is completely opposite to the disclosed invention where the wireless device has one wireless connection to the electronic device and a second wireless connection to the server system."

The examiner disagrees. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). The examiner does not rely upon Ito to teach portable wireless device having two wireless connections. Okamoto explicitly discloses the portable wireless device having a first wireless connection with the electronic device and having a second wireless connection with the server, thus, Ito does not necessary to teach the portable wireless device having two wireless connections. What the examiner rely upon Ito is only to teach "payment information data is transferred from the electronic device to server (S7, fig. 3; page 3, 0038-0044, "invoice information to be sent at step S7 to the network accounting server 18; abstract, "**vending server then transmits invoice information for the selected purchase to the mobile station, which is then forwarded to the network accounting server**')."'

For the reasons above, the examiner maintains the rejection under 35 U.S.C. §103.

64. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

65. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jungwon Chang whose telephone number is 571-272-3960. The examiner can normally be reached on 9:30-6:00 (Monday-Friday).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John A Follansbee can be reached on 571-272-3964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

July 2, 2007


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